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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 URSULA BYRAM, S.B. by and
12 through guardian ad litem TIMOTHY
13 BYRAM, N.B. by and through guardian
ad litem TIMOTHY BYRAM, and A.B.
14 by and through guardian ad litem
KAITLYN HUMENCHUK,
15 individually and as successors-in-
interest to Everett Byram,

16 Plaintiffs,

17 v.

18 COUNTY OF LOS ANGELES,
19 BLAKE RUNGE, and DOES 1-10,

20 Defendants.

Case No. 2:23-cv-09285-SB (MARx)

**DEFENDANT THE COUNTY OF
LOS ANGELES' ANSWER TO
COMPLAINT**

[Assigned to Hon. Stanley Blumenfeld,
Jr., Courtroom 6C]

21
22 Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendant
23 COUNTY OF LOS ANGELES ("Defendant") for itself alone and for no other
24 persons, entities, firms or corporations, answers the Complaint for Damages of
25 Plaintiffs URSULA BYRAM, S.B. and N.B. by and through their guardian *ad litem*,
26 TIMOTHY BYRAM; and A.B. by and through his guardian *ad litem* KAITLYN
27 HUMENCHUK ("Plaintiffs"). If an averment is not specifically admitted, it is
28 hereby denied.

INTRODUCTION

1. In answer to paragraph 1, defendant admits this action is seeking compensatory and punitive damages from Defendant for violating various rights under the United States Constitution and state law in connection with the alleged shooting of decedent, EVERETT BYRAM, on February 10, 2023. However, Defendant denies that Plaintiffs are entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant. As to the remaining allegations contained in said paragraph, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

JURISDICTION AND VENUE

2. In answer to paragraph 2, Defendant acknowledge that Plaintiffs are bringing this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) for claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth Amendment of the United States Constitution. Defendant admits that venue is proper.

3. In answer to paragraph 3, Defendant further acknowledge that there is supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367(a). Defendant admits that venue is proper.

4. In an answer to paragraph 4, Defendant admits venue is proper.

5. In an answer to paragraph 5, Defendant acknowledges and admits receipt of summons and complaint to the COUNTY OF LOS ANGELES.

6. In answer to paragraph 6, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

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PARTIES

7. In answer to paragraph 7, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

8. In answer to paragraph 8, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

9. In answer to paragraph 9, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

10. In answer to paragraph 10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

11. In answer to paragraph 11, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here.

12. In answer to paragraph 12, Defendant admits that COUNTY OF LOS ANGELES is a public entity duly organized and existing under the laws of the State of California. As to the remainder of the allegations contained in said paragraph, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained here. Moreover, Plaintiffs' allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant is unable

1 to admit or deny the allegations.

2 13. In answer to paragraph 13, Defendant admits that BLAKE RUNGE
3 was and is an employee of the COUNTY OF LOS ANGELES employed as a
4 Sheriff's Deputy. As to the remainder of the allegations contained in said paragraph,
5 Defendant is without sufficient knowledge or information to form a belief as to the
6 truth of the allegations contained in said paragraph and on that basis, Defendant
7 denies each and every allegation contained here. Moreover, Plaintiffs' allegations in
8 said paragraph are overbroad, vague, and ambiguous and thus Defendant is unable
9 to admit or deny the allegations.

10 14. Answering paragraph 14, Defendant is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations contained in said
12 paragraph with respect to the unidentified defendants, including Defendant DOES 1-
13 8, and therefore denies each and every allegation against the unidentified defendants
14 therein. Defendant lacks sufficient information and belief upon which to answer the
15 allegations contained therein, and on that basis denies the allegations.

16 15. Answering paragraph 15, Defendant is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations contained in said
18 paragraph with respect to the unidentified defendants, including Defendant DOES 9
19 -10, and therefore denies each and every allegation against the unidentified
20 defendants therein. Defendant lacks sufficient information and belief upon which to
21 answer the allegations contained therein, and on that basis denies the allegations.

22 16. In answering paragraph 16, Defendant denies each and every allegation
23 contained therein.

24 17. In answer to paragraph 17, Defendant is without sufficient knowledge
25 or information to form a belief as to the truth of the allegations contained in said
26 paragraph with respect to the unidentified defendants, including Defendant DOES 1
27 -10, and therefore denies each and every allegation against the unidentified
28 defendants therein. Defendant lacks sufficient information and belief upon which to

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1 answer the allegations contained therein, and on that basis denies the allegations.

2 18. In answer to paragraph 18, Defendant is without sufficient knowledge
3 or information to form a belief as to the truth of the allegations contained in said
4 paragraph with respect to the unidentified defendants, including Defendant DOES 1
5 -10, and therefore denies each and every allegation against the unidentified
6 defendants therein. Defendant lacks sufficient information and belief upon which to
7 answer the allegations contained therein, and on that basis denies the allegations.

8 19. In answer to paragraph 19, Defendant is without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained in said
10 paragraph, and therefore denies each and every allegation against the unidentified
11 defendants therein. Defendant lacks sufficient information and belief upon which to
12 answer the allegations contained therein, and on that basis denies the allegations.

13 20. In answer to paragraph 20, Defendant is without sufficient knowledge
14 or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and therefore denies each and every allegation against the unidentified
16 defendants therein. Defendant lacks sufficient information and belief upon which to
17 answer the allegations contained therein, and on that basis denies the allegations.

18 21. In answer to paragraph 21, Defendant is without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained in said
20 paragraph, and on that basis, Defendant denies each and every allegation contained
21 herein. Defendant further denies the allegations of said paragraph as they are vague.
22 Further, to the remaining allegations asserted against Does 1-10, Defendant states
23 that this allegation is not asserted against the answering Defendant, and no response
24 is required. To the extent a response is required, Defendant states that because
25 Plaintiffs have not identified by name any of the specific individuals as Does 1-10,
26 Defendant is without sufficient knowledge or information to form a belief as to the
27 truth of the allegations contained in said paragraph.

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FACTS COMMON TO ALL CLAIMS FOR RELIEF

22. In an answer to paragraph 22, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein..

23. In an answer to paragraph 23, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

24. In an answer to paragraph 24, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

25. In an answer to paragraph 25, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

26. In an answer to paragraph 26, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

27. In an answer to paragraph 27, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein.

28. In an answer to paragraph 28, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation

1 contained herein.

2 29. In an answer to paragraph 29, Defendant is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained
4 in said paragraph and on that basis, Defendant denies each and every allegation
5 contained herein.

6 30. In an answer to paragraph 30, Defendant is without sufficient
7 knowledge or information to form a belief as to the truth of the allegations contained
8 in said paragraph and on that basis, Defendant denies each and every allegation
9 contained herein.

10 31. In an answer to paragraph 31, Defendant is without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained
12 in said paragraph and on that basis, Defendant denies each and every allegation
13 contained herein.

14 32. In an answer to paragraph 32, Defendant is without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained
16 in said paragraph and on that basis, Defendant denies each and every allegation
17 contained herein.

18 33. In an answer to paragraph 33, Defendant is without sufficient
19 knowledge or information to form a belief as to the truth of the allegations contained
20 in said paragraph and on that basis, Defendant denies each and every allegation
21 contained herein.

22 34. In an answer to paragraph 34, Defendant is without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained
24 in said paragraph and on that basis, Defendant denies each and every allegation
25 contained herein.

26 35. In an answer to paragraph 35, Defendant is without sufficient
27 knowledge or information to form a belief as to the truth of the allegations contained
28 in said paragraph and on that basis, Defendant denies each and every allegation

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1 contained herein.

2 36. In an answer to paragraph 36, Defendant is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained
4 in said paragraph and on that basis, Defendant denies each and every allegation
5 contained herein.

6 37. In an answer to paragraph 37, Defendant is without sufficient
7 knowledge or information to form a belief as to the truth of the allegations contained
8 in said paragraph and on that basis, Defendant denies each and every allegation
9 contained herein.

10 38. In an answer to paragraph 38, Defendant is without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained
12 in said paragraph and on that basis, Defendant denies each and every allegation
13 contained herein.

14 39. In an answer to paragraph 39, Defendant is without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained
16 in said paragraph and on that basis, Defendant denies each and every allegation
17 contained herein.

18 40. In an answer to paragraph 40, Defendant is without sufficient
19 knowledge or information to form a belief as to the truth of the allegations contained
20 in said paragraph and on that basis, Defendant denies each and every allegation
21 contained herein.

22 41. In an answer to paragraph 41, Defendant is without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained
24 in said paragraph and on that basis, Defendant denies each and every allegation
25 contained herein.

26 42. In an answer to paragraph 42, Defendant is without sufficient
27 knowledge or information to form a belief as to the truth of the allegations contained
28 in said paragraph and on that basis, Defendant denies each and every allegation

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1 contained herein.

2 43. In an answer to paragraph 43, Defendant is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained
4 in said paragraph and on that basis, Defendant denies each and every allegation
5 contained herein.

6 44. In an answer to paragraph 44, Defendant is without sufficient
7 knowledge or information to form a belief as to the truth of the allegations contained
8 in said paragraph and on that basis, Defendant denies each and every allegation
9 contained herein.

10 45. In an answer to paragraph 45, Defendant is without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained
12 in said paragraph and on that basis, Defendant denies each and every allegation
13 contained herein.

14 46. In an answer to paragraph 46, Defendant is without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained
16 in said paragraph and on that basis, Defendant denies each and every allegation
17 contained herein.

18 **FIRST CAUSE OF ACTION**

19 **VIOLATION OF 42 U.S.C. § 1983 (EXCESSIVE FORCE)**

20 **(Against Defendant RUNGE and DOES 1-10)**

21 47. Answering paragraph 47, which incorporates by reference the
22 allegations of other paragraphs of the pleading, Defendant to the same extent
23 incorporates by reference the answers provided herein to those paragraphs.

24 48. In an answer to paragraph 48, Defendant is without sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained
26 in said paragraph and on that basis, Defendant denies each and every allegation
27 contained herein.

28 49. In an answer to paragraph 49, Defendant is without sufficient

1 knowledge or information to form a belief as to the truth of the allegations contained
2 in said paragraph, on that basis, denies each and every allegation against these
3 Defendant contained herein.

4 50. In answer to paragraph 50, Defendant states that these allegations are
5 not asserted against the answering Defendant, and no response is required. To the
6 extent a response is required, Defendant states that because Plaintiffs have not
7 identified by name any of the specific individuals as Does 1-10, Defendant is
8 without sufficient knowledge or information to form a belief as to the truth of the
9 allegations contained in said paragraph. Defendant denies the remaining allegations
10 contained therein, including because the remaining allegations are vague.

11 51. Defendant states that these allegations are not asserted against the
12 answering Defendant, and no response is required. To the extent a response is
13 required, Defendant states that because Plaintiffs have not identified by name any of
14 the specific individuals as Does 1-10, Defendant is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations contained in said
16 paragraph. Defendant denies the remaining allegations contained therein, including
17 because the remaining allegations are vague.

18 52. In answer to paragraph 52, Defendant is without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained in said
20 paragraph, on that basis, denies each and every allegation against Defendant
21 contained herein.

22 53. In answer to paragraph 53, Defendant is without sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained in said
24 paragraph. Defendant denies the remaining allegations contained therein, including
25 because the remaining allegations are vague.

26 54. Answering paragraph 54, Defendant is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations contained in said
28 paragraph. Defendant denies the remaining allegations contained therein, including

1 because the remaining allegations are vague.

2 55. Answering paragraph 55, Defendant is without sufficient knowledge or
3 information to form a belief as to the truth of the allegations contained in said
4 paragraph. Defendant denies the remaining allegations contained therein, including
5 because the remaining allegations are vague.

6 56. Answering paragraph 56, Defendant is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations contained in said
8 paragraph. Defendant denies the remaining allegations contained therein, including
9 because the remaining allegations are vague.

10 57. Answering paragraph 57, Defendant is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations contained in said
12 paragraph. Defendant denies the remaining allegations contained therein, including
13 because the remaining allegations are vague.

14 58. Answering paragraph 58, Defendant is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations contained in said
16 paragraph, on that basis, denies each and every allegation against these Defendant
17 contained herein. As to the remaining allegations contained in said paragraph,
18 Defendant states that because Plaintiffs have not identified by name any specific
19 individuals as Does 1-8, Defendant is without sufficient knowledge or information
20 to form a belief as to the truth of the allegations contained in said paragraph and on
21 that basis, Defendant denies each and every allegation contained herein. Further,
22 Plaintiffs have not identified by name any specific individuals as Does 9-10,
23 Defendant is without sufficient knowledge or information to form a belief as to the
24 truth of the allegations contained in said paragraph and on that basis, Defendant
25 denies each and every allegation contained herein. Defendant denies each and every
26 allegation contained therein as it relates to COUNTY OF LOS ANGELES.

27 59. In answer to paragraph 59, Defendant denies that plaintiff is entitled to
28 an award of damages, or any other form of relief as requested in the Complaint as a

1 result of any acts or omissions by this answering Defendant. As to the remaining
 2 allegations contained in said paragraph, Defendant is without sufficient knowledge
 3 or information to form a belief as to the truth of the allegations contained in said
 4 paragraph, on that basis, denies each and every allegation against these Defendant
 5 contained therein.

6 60. In answer to paragraph 60, Defendant is without sufficient knowledge
 7 or information to form a belief as to the truth of the allegations contained in said
 8 paragraph. Defendant denies the remaining allegations contained therein, including
 9 because the remaining allegations are vague.

10 **SECOND CLAIM FOR RELIEF**

11 **FORTH AMENDMENT – DENIAL OF MEDICAL CARE**

12 **(42 U.S.C. §1983) (Plaintiff against Defendant RUNGE and DOES 1-8)**

13 61. Answering paragraph 61, which incorporates by reference the
 14 allegations of other paragraphs of the pleading, Defendant to the same extent
 15 incorporates by reference the answers provided herein to those paragraphs.

16 62. In answer to paragraph 62, Defendant is without sufficient knowledge
 17 or information to form a belief as to the truth of the allegations contained in said
 18 paragraph, on that basis, denies each and every allegation against these Defendant
 19 contained herein.

20 63. In answer to paragraph 63, Defendant is without sufficient knowledge
 21 or information to form a belief as to the truth of the allegations contained in said
 22 paragraph and on that basis, Defendant denies each and every allegation contained
 23 herein. Defendant denies each and every allegation contained therein as it relates to
 24 COUNTY OF LOS ANGELES.

25 64. In answer to paragraph 64, Defendant is without sufficient knowledge
 26 or information to form a belief as to the truth of the allegations contained in said
 27 paragraph, on that basis, denies each and every allegation against these Defendant
 28 contained herein.

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65. In an answer to paragraph 65, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. Defendant denies each and every allegation contained therein as it relates to COUNTY OF LOS ANGELES.

66. In answer to paragraph 66, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. Defendant denies each and every allegation contained therein as it relates to COUNTY OF LOS ANGELES.

67. In an answer to paragraph 67, Defendant denies that Plaintiffs are entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant.

THIRD CLAIM FOR RELIEF

FORTH AMENDMENT – DENIAL OF FAMILIAL RELATIONSHIP **(42 U.S.C. §1983) (Plaintiff against Defendant RUNGE and DOES 1-10)**

68. Answering paragraph 68, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

69. In answer to paragraph 69, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein.

70. In answer to paragraph 70, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein.

71. In answer to paragraph 71, Defendant is without sufficient knowledge

1 or information to form a belief as to the truth of the allegations contained in said
2 paragraph, on that basis, denies each and every allegation against these Defendant
3 contained herein.

4 72. In answer to paragraph 72, Defendant is without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph, on that basis, denies each and every allegation against these Defendant
7 contained herein.

8 73. In answer to paragraph 73, Defendant is without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained in said
10 paragraph and on that basis, Defendant denies each and every allegation contained
11 herein. Defendant denies each and every allegation contained therein as it relates to
12 COUNTY OF LOS ANGELES.

13 74. In answer to paragraph 74, Defendant is without sufficient knowledge
14 or information to form a belief as to the truth of the allegations contained in said
15 paragraph and on that basis, Defendant denies each and every allegation contained
16 herein. Defendant denies each and every allegation contained therein as it relates to
17 COUNTY OF LOS ANGELES.

18 75. In answer to paragraph 75, Defendant is without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained in said
20 paragraph. Defendant denies the remaining allegations contained therein, including
21 because the remaining allegations are vague.

22 76. In answer to paragraph 76, Defendant is without sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained in said
24 paragraph. Defendant denies the remaining allegations contained therein, including
25 because the remaining allegations are vague.

26 77. Answering paragraph 77, Defendant is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations contained in said
28 paragraph, on that basis, denies each and every allegation against these Defendant

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1 contained herein. As to the remaining allegations contained in said paragraph,
 2 Defendant states that because Plaintiffs have not identified by name any specific
 3 individuals as Does 1-8, Defendant is without sufficient knowledge or information
 4 to form a belief as to the truth of the allegations contained in said paragraph and on
 5 that basis, Defendant denies each and every allegation contained herein. Further,
 6 Plaintiffs have not identified by name any specific individuals as Does 9-10,
 7 Defendant is without sufficient knowledge or information to form a belief as to the
 8 truth of the allegations contained in said paragraph and on that basis, Defendant
 9 denies each and every allegation contained herein. However, Defendant denies each
 10 and every allegation contained therein as it relates to COUNTY OF LOS
 11 ANGELES.

12 78. In an answer to paragraph 78, Defendant denies that Plaintiffs are
 13 entitled to an award of damages, or any other form of relief as requested in the
 14 Complaint as a result of any acts or omissions by this answering Defendant.

15 79. Answering paragraph 79, Defendant is without sufficient knowledge or
 16 information to form a belief as to the truth of the allegations contained in said
 17 paragraph. Defendant denies the remaining allegations contained therein, including
 18 because the remaining allegations are vague.

19 **FOURTH CLAIM FOR RELIEF**

20 **FORTH AMENDMENT – UNLAWFUL DETENTION**

21 **(42 U.S.C. §1983) (Plaintiff URSULA BYRAM against Defendant**

22 **RUNGE and DOES 1-10)**

23 80. Answering paragraph 80, which incorporates by reference the
 24 allegations of other paragraphs of the pleading, Defendant to the same extent
 25 incorporates by reference the answers provided herein to those paragraphs.

26 81. In answer to paragraph 81, Defendant states that because Plaintiffs have
 27 not identified by name any specific individuals as Does 1-10, Defendant is without
 28 sufficient knowledge or information to form a belief as to the truth of the allegations

1 contained in said paragraph and on that basis, Defendant denies each and every
2 allegation contained herein. However, defendant denies each and every allegation in
3 this paragraph relating to the conduct allegedly attributable to Defendants, and
4 therefore denies any liability.

5 82. In answer to paragraph 82, Defendant states that because Plaintiffs have
6 not identified by name any specific individuals as Does 1-10, Defendant is without
7 sufficient knowledge or information to form a belief as to the truth of the allegations
8 contained in said paragraph and on that basis, Defendant denies each and every
9 allegation contained herein. However, defendant denies each and every allegation in
10 this paragraph relating to the conduct allegedly attributable to Defendants, and
11 therefore denies any liability.

12 83. In answer to paragraph 83, Defendant is without sufficient knowledge
13 or information to form a belief as to the truth of the allegations contained in said
14 paragraph, on that basis, denies each and every allegation against these Defendant
15 contained herein.

16 84. In answer to paragraph 84, Defendant states that because Plaintiffs have
17 not identified by name any specific individuals as Does 1-10, Defendant is without
18 sufficient knowledge or information to form a belief as to the truth of the allegations
19 contained in said paragraph and on that basis, Defendant denies each and every
20 allegation contained herein. However, defendant denies each and every allegation in
21 this paragraph relating to the conduct allegedly attributable to Defendants, and
22 therefore denies any liability.

23 85. In an answer to paragraph 85, Defendant denies that Plaintiffs are
24 entitled to an award of damages, or any other form of relief as requested in the
25 Complaint as a result of any acts or omissions by this answering Defendant.

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27 ///

28 ///

FIFTH CLAIM FOR RELIEF
MUNICIPAL LIABILITY: UNCONSTITUTIONAL CUSTOM,
PRACTICE, OR POLICY
(42 U.S.C. §1983) (Plaintiff against Defendant COUNTY OF LOS
ANGELES)

86. Answering paragraph 86, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

87. In answer to paragraph 87, Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant as it relates to COUNTY OF LOS ANGELES, and therefore denies any liability.

88. In answer to paragraph 88, Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant as it relates to COUNTY OF LOS ANGELES, and therefore denies any liability.

89. In answer to paragraph 89, Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant as it relates

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1 to COUNTY OF LOS ANGELES, and therefore denies any liability.

2 90. In answer to paragraph 90, Defendant states that because Plaintiffs have
3 not identified by name any specific individuals as Does 1-10, Defendant is without
4 sufficient knowledge or information to form a belief as to the truth of the allegations
5 contained in said paragraph and on that basis, Defendant denies each and every
6 allegation contained herein. However, defendant denies each and every allegation in
7 this paragraph relating to the conduct allegedly attributable to Defendant as it relates
8 to COUNTY OF LOS ANGELES, and therefore denies any liability.

9 91. In answer to paragraph 91, Defendant states that because Plaintiffs have
10 not identified by name any specific individuals as Does 1-10, Defendant is without
11 sufficient knowledge or information to form a belief as to the truth of the allegations
12 contained in said paragraph and on that basis, Defendant denies each and every
13 allegation contained herein. However, defendant denies each and every allegation in
14 this paragraph relating to the conduct allegedly attributable to Defendant as it relates
15 to COUNTY OF LOS ANGELES, and therefore denies any liability.

16 92. In answer to paragraph 92, Defendant states that because Plaintiffs have
17 not identified by name any specific individuals as Does 1-10, Defendant is without
18 sufficient knowledge or information to form a belief as to the truth of the allegations
19 contained in said paragraph and on that basis, Defendant denies each and every
20 allegation contained herein. However, defendant denies each and every allegation in
21 this paragraph relating to the conduct allegedly attributable to Defendant as it relates
22 to COUNTY OF LOS ANGELES, and therefore denies any liability.

23 93. Answering paragraph 93, Defendant denies each and every allegation
24 contained therein as it relates to COUNTY OF LOS ANGELES

25 94. Answering paragraph 94, Defendant denies each and every allegation
26 contained therein as it relates to COUNTY OF LOS ANGELES.

27 95. In an answer to paragraph 95, Defendant is without sufficient
28 knowledge or information to form a belief as to the truth of the allegations contained

1 in said paragraph, on that basis, denies each and every allegation against these
2 Defendant contained herein.

3 96. Answering paragraph 96, Defendant denies each and every allegation
4 contained therein as it relates to COUNTY OF LOS ANGELES.

5 97. In an answer to paragraph 97, Defendant denies that Plaintiffs are
6 entitled to an award of damages, or any other form of relief as requested in the
7 Complaint as a result of any acts or omissions by this answering Defendant.

8 **SIXTH CLAIM FOR RELIEF**

9 **MUNICIPAL LIABILITY: FAILURE TO TRAIN**

10 **(42 U.S.C. §1983) (Plaintiff against Defendant COUNTY OF LOS**
11 **ANGELES)**

12 98. Answering paragraph 98, which incorporates by reference the
13 allegations of other paragraphs of the pleading, Defendant to the same extent
14 incorporates by reference the answers provided herein to those paragraphs.

15 99. In answer to paragraph 99, Defendant states that because Plaintiffs have
16 not identified by name any specific individuals as Does 1-10, Defendant is without
17 sufficient knowledge or information to form a belief as to the truth of the allegations
18 contained in said paragraph and on that basis, Defendant denies each and every
19 allegation contained herein. However, defendant denies each and every allegation in
20 this paragraph relating to the conduct allegedly attributable to Defendant COUNTY
21 OF LOS ANGELES, and therefore denies any liability.

22 100. In answer to paragraph 100, Defendant states that because Plaintiffs
23 have not identified by name any specific individuals as Does 1-10, Defendant is
24 without sufficient knowledge or information to form a belief as to the truth of the
25 allegations contained in said paragraph and on that basis, Defendant denies each and
26 every allegation contained herein. However, defendant denies each and every
27 allegation in this paragraph relating to the conduct allegedly attributable to
28 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

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1 101. In answer to paragraph 101, Defendant states that because Plaintiffs
2 have not identified by name any specific individuals as Does 1-10, Defendant is
3 without sufficient knowledge or information to form a belief as to the truth of the
4 allegations contained in said paragraph and on that basis, Defendant denies each and
5 every allegation contained herein. However, defendant denies each and every
6 allegation in this paragraph relating to the conduct allegedly attributable to
7 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

8 102. In an answer to paragraph 102, Defendant states that because Plaintiffs
9 have not identified by name any specific individuals as Does 1-10, Defendant is
10 without sufficient knowledge or information to form a belief as to the truth of the
11 allegations contained in said paragraph and on that basis, Defendant denies each and
12 every allegation contained herein. However, defendant denies each and every
13 allegation in this paragraph relating to the conduct allegedly attributable to
14 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

15 103. In answer to paragraph 103, Defendant states that because Plaintiffs
16 have not identified by name any specific individuals as Does 1-10, Defendant is
17 without sufficient knowledge or information to form a belief as to the truth of the
18 allegations contained in said paragraph and on that basis, Defendant denies each and
19 every allegation contained herein. However, defendant denies each and every
20 allegation in this paragraph relating to the conduct allegedly attributable to
21 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

22 104. In an answer to paragraph 104, Defendant is without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained
24 in said paragraph, on that basis, denies each and every allegation against these
25 Defendant contained herein.

26 105. In answer to paragraph 105, Defendant states that because Plaintiffs
27 have not identified by name any specific individuals as Does 1-10, Defendant is
28 without sufficient knowledge or information to form a belief as to the truth of the

allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

106. In an answer to paragraph 106, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein.

107. In an answer to paragraph 107, Defendant denies that Plaintiffs are entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant.

SEVENTH CLAIM FOR RELIEF

MUNICIPAL LIABILITY: RATIFICATION

(42 U.S.C. §1983) (Plaintiff against Defendant COUNTY OF LOS ANGELES)

108. Answering paragraph 108, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

109. In answer to paragraph 109, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph. Defendant denies the remaining allegations contained therein, including because the remaining allegations are vague.

110. In answer to paragraph 110, Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to

1 Defendants, and therefore denies any liability.

2 111. In an answer to paragraph 111, Defendant is without sufficient
3 knowledge or information to form a belief as to the truth of the allegations contained
4 in said paragraph, on that basis, denies each and every allegation against these
5 Defendant contained herein. Defendant further denies the allegations of said
6 paragraph as they are vague.

7 112. In an answer to paragraph 112, Defendant is without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained
9 in said paragraph, on that basis, denies each and every allegation against these
10 Defendant contained herein. Defendant further denies the allegations of said
11 paragraph as they are vague.

12 113. In an answer to paragraph 113, Defendant is without sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained
14 in said paragraph, on that basis, denies each and every allegation against these
15 Defendant contained herein. Defendant further denies the allegations of said
16 paragraph as they are vague.

17 114. In an answer to paragraph 114, Defendant is without sufficient
18 knowledge or information to form a belief as to the truth of the allegations contained
19 in said paragraph, on that basis, denies each and every allegation against these
20 Defendant contained herein. Defendant further denies the allegations of said
21 paragraph as they are vague.

22 115. In an answer to paragraph 115, Defendant denies that Plaintiffs are
23 entitled to an award of damages, or any other form of relief as requested in the
24 Complaint as a result of any acts or omissions by this answering Defendant.

25 116. In an answer to paragraph 116, Defendant denies that Plaintiffs are
26 entitled to an award of damages, or any other form of relief as requested in the
27 Complaint as a result of any acts or omissions by this answering Defendant.

28

EIGHTH CLAIM FOR RELIEF
AMERICAN WITH DISABILITIES ACT
(42 U.S.C. §1983) (Plaintiff against ALL Defendant)

117. Answering paragraph 117, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

118. In an answer to paragraph 118, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant further denies the allegations of said paragraph as they are vague.

119. In an answer to paragraph 119, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant further denies the allegations of said paragraph as they are vague.

120. In an answer to paragraph 120, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant further denies the allegations of said paragraph as they are vague.

121. In an answer to paragraph 121, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant further denies the allegations of said paragraph as they are vague.

122. In an answer to paragraph 122, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained

1 in said paragraph, on that basis, denies each and every allegation against these
 2 Defendant contained herein. Defendant further denies the allegations of said
 3 paragraph as they are vague.

4 123. In answer to paragraph 123, Defendant is without sufficient knowledge
 5 or information to form a belief as to the truth of the allegations contained in said
 6 paragraph and on that basis, Defendant denies each and every allegation contained
 7 herein. However, defendant denies each and every allegation in this paragraph
 8 relating to the conduct allegedly attributable to Defendant COUNTY OF LOS
 9 ANGELES, and therefore denies any liability.

10 124. In an answer to paragraph 124, Defendant is without sufficient
 11 knowledge or information to form a belief as to the truth of the allegations contained
 12 in said paragraph, on that basis, denies each and every allegation against these
 13 Defendant contained herein.

14 125. In an answer to paragraph 125, Defendant denies that Plaintiffs are
 15 entitled to an award of damages, or any other form of relief as requested in the
 16 Complaint as a result of any acts or omissions by this answering Defendant.

17 **NINTH CLAIM FOR RELIEF**

18 **BATTERY**

19 **(Plaintiff against ALL Defendant)**

20 126. Answering paragraph 126, which incorporates by reference the
 21 allegations of other paragraphs of the pleading, Defendant to the same extent
 22 incorporates by reference the answers provided herein to those paragraphs.

23 127. In answer to paragraph 127, Defendant states that because Plaintiffs
 24 have not identified by name any specific individuals as Does 1-10, Defendant is
 25 without sufficient knowledge or information to form a belief as to the truth of the
 26 allegations contained in said paragraph and on that basis, Defendant denies each and
 27 every allegation contained herein. However, defendant denies each and every
 28 allegation in this paragraph relating to the conduct allegedly attributable to

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1 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

2 128. In answer to paragraph 128, Defendant states that because Plaintiffs
3 have not identified by name any of the specific individuals as Does 1-10, Defendant
4 is without sufficient knowledge or information to form a belief as to the truth of the
5 allegations contained in said paragraph. Defendant denies the remaining allegations
6 contained therein, including because the remaining allegations are vague.

7 129. In answer to paragraph 129, Defendant states that because Plaintiffs
8 have not identified by name any of the specific individuals as Does 1-10, Defendant
9 is without sufficient knowledge or information to form a belief as to the truth of the
10 allegations contained in said paragraph. Defendant denies the remaining allegations
11 contained therein, including because the remaining allegations are vague.

12 130. In answer to paragraph 130, Defendant states that because Plaintiffs
13 have not identified by name any specific individuals as Does 1-10, Defendant is
14 without sufficient knowledge or information to form a belief as to the truth of the
15 allegations contained in said paragraph and on that basis, Defendant denies each and
16 every allegation contained herein. However, Defendant denies each and every
17 allegation contained therein as it relates to COUNTY OF LOS ANGELES. As to the
18 remaining allegations contained in said paragraph, Defendant is without sufficient
19 knowledge or information to form a belief as to the truth of the allegations contained
20 in said paragraph and on that basis, Defendant denies each and every allegation
21 contained herein.

22 131. In answer to paragraph 131, Defendant is without sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained in said
24 paragraph. However, defendant denies each and every allegation in this paragraph
25 relating to the conduct allegedly attributable to Defendant COUNTY OF LOS
26 ANGELES, and therefore denies any liability.

27 132. In an answer to paragraph 132, Defendant denies that Plaintiffs are
28 entitled to an award of damages, or any other form of relief as requested in the

1 Complaint as a result of any acts or omissions by this answering Defendant.

2 **TENTH CLAIM FOR RELIEF**

3 **NEGLIGENCE**

4 **(Plaintiff against ALL Defendant)**

5 133. Answering paragraph 133, which incorporates by reference the
6 allegations of other paragraphs of the pleading, Defendant to the same extent
7 incorporates by reference the answers provided herein to those paragraphs.

8 134. In answer to paragraph 134, Defendant states that because Plaintiffs
9 have not identified by name any specific individuals as Does 1-10, Defendant is
10 without sufficient knowledge or information to form a belief as to the truth of the
11 allegations contained in said paragraph and on that basis, Defendant denies each and
12 every allegation contained herein. However, defendant denies each and every
13 allegation in this paragraph relating to the conduct allegedly attributable to
14 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

15 135. In answer to paragraph 135, Defendant states that because Plaintiffs
16 have not identified by name any of the specific individuals as Does 1-10, Defendant
17 is without sufficient knowledge or information to form a belief as to the truth of the
18 allegations contained in said paragraph. Defendant denies the remaining allegations
19 contained therein, including because the remaining allegations are vague.

20 136. In answer to paragraph 136, Defendant states that these allegations are
21 not asserted against the answering Defendant, and no response is required. To the
22 extent a response is required, Defendant states that because Plaintiffs have not
23 identified by name any of the specific individuals as Does 1-10, Defendant is
24 without sufficient knowledge or information to form a belief as to the truth of the
25 allegations contained in said paragraph. Defendant denies the remaining allegations
26 contained therein, including because the remaining allegations are vague.

27 137. In answer to paragraph 137, Defendant states that because Plaintiffs
28 have not identified by name any of the specific individuals as Does 1-10, Defendant

1 is without sufficient knowledge or information to form a belief as to the truth of the
2 allegations contained in said paragraph. Defendant denies the remaining allegations
3 contained therein, including because the remaining allegations are vague.

4 138. In answer to paragraph 138, Defendant states that because Plaintiffs
5 have not identified by name any of the specific individuals as Does 1-10, Defendant
6 is without sufficient knowledge or information to form a belief as to the truth of the
7 allegations contained in said paragraph. Defendant denies the remaining allegations
8 contained therein, including because the remaining allegations are vague.

9 139. In answer to paragraph 139, Defendant states that because Plaintiffs
10 have not identified by name any specific individuals as Does 1-10, Defendant is
11 without sufficient knowledge or information to form a belief as to the truth of the
12 allegations contained in said paragraph and on that basis, Defendant denies each and
13 every allegation contained herein. However, defendant denies each and every
14 allegation in this paragraph relating to the conduct allegedly attributable to
15 Defendants, and therefore denies any liability.

16 140. In answer to paragraph 140, Defendant is without sufficient knowledge
17 or information to form a belief as to the truth of the allegations contained in said
18 paragraph, on that basis, denies each and every allegation against these Defendant
19 contained herein. Defendant states that because Plaintiffs have not identified by
20 name any specific individuals as Does 1-10, Defendant is without sufficient
21 knowledge or information to form a belief as to the truth of the allegations contained
22 in said paragraph and on that basis, Defendant denies each and every allegation
23 contained herein. However, defendant denies each and every allegation in this
24 paragraph relating to the conduct allegedly attributable to Defendant COUNTY OF
25 LOS ANGELES, and therefore denies any liability.

26 141. In answer to paragraph 141, Defendant is without sufficient knowledge
27 or information to form a belief as to the truth of the allegations contained in said
28 paragraph, on that basis, denies each and every allegation against these Defendant

1 contained herein. Defendant denies that Plaintiffs are entitled to an award of
 2 damages, or any other form of relief as requested in the Complaint as a result of any
 3 acts or omissions by this answering Defendant.

4 **ELEVENTH CLAIM FOR RELIEF**
 5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
 6 **(Plaintiff against ALL Defendant)**

7 142. Answering paragraph 142, which incorporates by reference the
 8 allegations of other paragraphs of the pleading, Defendant to the same extent
 9 incorporates by reference the answers provided herein to those paragraphs.

10 143. In an answer to paragraph 143, Defendant is without sufficient.
 11 knowledge or information to form a belief as to the truth of the allegations contained
 12 in said paragraph, on that basis, denies each and every allegation against these
 13 Defendant contained herein. Defendant further denies the allegations of said
 14 paragraph as they are vague.

15 144. In an answer to paragraph 144, Defendant is without sufficient
 16 knowledge or information to form a belief as to the truth of the allegations contained
 17 in said paragraph, on that basis, denies each and every allegation against these
 18 Defendant contained herein. Defendant further denies the allegations of said
 19 paragraph as they are vague.

20 145. In an answer to paragraph 145, Defendant is without sufficient
 21 knowledge or information to form a belief as to the truth of the allegations contained
 22 in said paragraph, on that basis, denies each and every allegation against these
 23 Defendant contained herein. Defendant further denies the allegations of said
 24 paragraph as they are vague.

25 146. In an answer to paragraph 146, Defendant denies that Plaintiffs are
 26 entitled to an award of damages, or any other form of relief as requested in the
 27 Complaint as a result of any acts or omissions by this answering Defendant.

28 ///

TWELFTH CLAIM FOR RELIEF

FALSE IMPRISONMENT

(Plaintiff URSULA BYRAM against ALL Defendant)

147. Answering paragraph 147, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

148. In answer to paragraph 148, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendants, and therefore denies any liability.

149. In answer to paragraph 149, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendants, and therefore denies any liability.

150. In an answer to paragraph 150, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained

1 in said paragraph, on that basis, denies each and every allegation against these
2 Defendant contained herein. Defendant further denies the allegations of said
3 paragraph as they are vague.

4 151. In answer to paragraph 151, Defendant is without sufficient knowledge
5 or information to form a belief as to the truth of the allegations contained in said
6 paragraph, on that basis, denies each and every allegation against these Defendant
7 contained herein. Defendant states that because Plaintiffs have not identified by
8 name any specific individuals as Does 1-10, Defendant is without sufficient
9 knowledge or information to form a belief as to the truth of the allegations contained
10 in said paragraph and on that basis, Defendant denies each and every allegation
11 contained herein. However, defendant denies each and every allegation in this
12 paragraph relating to the to the conduct allegedly attributable to Defendants, and
13 therefore denies any liability.

14 152. In answer to paragraph 152, Defendant states that because Plaintiffs
15 have not identified by name any specific individuals as Does 1-10, Defendant is
16 without sufficient knowledge or information to form a belief as to the truth of the
17 allegations contained in said paragraph and on that basis, Defendant denies each and
18 every allegation contained herein. However, defendant denies each and every
19 allegation in this paragraph relating to the conduct allegedly attributable to
20 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

21 153. In answer to paragraph 153, Defendant states that because Plaintiffs
22 have not identified by name any specific individuals as Does 1-10, Defendant is
23 without sufficient knowledge or information to form a belief as to the truth of the
24 allegations contained in said paragraph and on that basis, Defendant denies each and
25 every allegation contained herein. However, defendant denies each and every
26 allegation in this paragraph relating to the conduct allegedly attributable to
27 Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

28 154. In an answer to paragraph 154, Defendant denies that Plaintiffs are

entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant.

THIRTEENTH CLAIM FOR RELIEF

VIOLATION OF CAL. CIV CODE § 52.1

(Plaintiff against DEFENDANT DEPUTY RUNGE AND COUNTY OF LOS ANGELES)

155. Answering paragraph 155, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporates by reference the answers provided herein to those paragraphs.

156. In answer to paragraph 156, Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

157. In an answer to paragraph 157, Defendant denies Plaintiffs' overly simplistic statement of the Bane Act.

158. In answer to paragraph 158, Defendant states that these allegations are not asserted against the answering Defendant, and no response is required. Defendant states that because Plaintiffs have not identified by name any specific individuals as Does 1-10, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph and on that basis, Defendant denies each and every allegation contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant COUNTY OF LOS ANGELES, and therefore denies any liability.

159. In answer to paragraph 159, Defendant is without sufficient knowledge

1 or information to form a belief as to the truth of the allegations contained in said
2 paragraph, on that basis, denies each and every allegation against these Defendant
3 contained herein. Defendant states that because Plaintiffs have not identified by
4 name any specific individuals as Does 1-10, Defendant is without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained
6 in said paragraph and on that basis, Defendant denies each and every allegation
7 contained herein. However, defendant denies each and every allegation in this
8 paragraph relating to the to the conduct allegedly attributable to Defendants, and
9 therefore denies any liability.

10 160. In an answer to paragraph 160, Defendant is without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained
12 in said paragraph. Defendant denies the remaining allegations contained therein,
13 including because the remaining allegations are vague.

14 161. In an answer to paragraph 161, Defendant is without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained
16 in said paragraph, on that basis, denies each and every allegation against these
17 Defendant contained herein. Defendant further denies the allegations of said
18 paragraph as they are vague.

19 162. In an answer to paragraph 162, Defendant is without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained
21 in said paragraph, on that basis, denies each and every allegation against these
22 Defendant contained herein. Defendant further denies the allegations of said
23 paragraph as they are vague.

24 163. In an answer to paragraph 163, Defendant is without sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained
26 in said paragraph, on that basis, denies each and every allegation against these
27 Defendant contained herein. Defendant further denies the allegations of said
28 paragraph as they are vague.

164. In an answer to paragraph 164, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, on that basis, denies each and every allegation against these Defendant contained herein. However, defendant denies each and every allegation in this paragraph relating to the conduct allegedly attributable to Defendant COUNTY OF LOS ANGELES, and therefore denies any liability

165. In an answer to paragraph 165, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph. Defendant denies the remaining allegations contained therein, including because the remaining allegations are vague.

166. In an answer to paragraph 166, Defendant denies that Plaintiffs are entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant.

PRAYER FOR RELIEF

167. In answer to page 37, lines 2-8, Defendant denies that Plaintiffs are entitled to an award of damages, or any other form of relief as requested in the Complaint as a result of any acts or omissions by this answering Defendant.

AFFIRMATIVE DEFENSES

Defendant pleads the following separate affirmative defenses. Defendant reserves the right to assert additional affirmative defenses that discovery indicates are proper.

FIRST AFFIRMATIVE DEFENSE:

1. As a separate and distinct affirmative defense, Defendant alleges that their conduct did not cause the constitutional violation alleged in Plaintiffs' complaint.

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SECOND AFFIRMATIVE DEFENSE:

2. As a separate and distinct affirmative defense, Defendant alleges that the Complaint, and each claim contained therein, is barred by the doctrines of collateral estoppel and res judicata.

THIRD AFFIRMATIVE DEFENSE:

3. As a separate and distinct affirmative defense, Defendant alleges that the acts and omissions alleged in Plaintiffs' complaint were not taken under color of state law, and they are therefore not liable under title 42 U.S.C. § 1983.

FOURTH AFFIRMATIVE DEFENSE:

4. As a separate and distinct affirmative defense, Defendant alleges that their acts or omissions were discretionary, requiring personal deliberation, decision and judgment which were done honestly, reasonably and in good faith, and by virtue of which they are immune from liability under title 42 U.S.C. § 1983.

FIFTH AFFIRMATIVE DEFENSE:

5. As a separate and distinct affirmative defense, Defendant alleges that Plaintiffs' Complaint fails to state a claim under 42 U.S.C. § 1983 upon which relief can be granted against Defendant.

SIXTH AFFIRMATIVE DEFENSE:

6. As a separate and distinct affirmative defense, Defendant alleges that Plaintiffs' Complaint fails to state a claim under 42 U.S.C. § 1983 for a Monell Claim upon which relief can be granted against Defendant.

SEVENTH AFFIRMATIVE DEFENSE:

7. As a separate and distinct affirmative defense, Defendant alleges that named Defendant is not liable for any policymaking decisions, customs, or practices as implemented.

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EIGHTH AFFIRMATIVE DEFENSE:

8. As a separate and distinct affirmative defense, Defendant alleges that it is not liable for alleged violations by non-policymakers of civil or constitutional rights.

NINTH AFFIRMATIVE DEFENSE:

9. As a separate and distinct affirmative defense, Defendant alleges that if Plaintiffs suffered or sustained any injury, damage, or detriment from the death of EVERETT BYRAM, the same was proximately caused and contributed to by the negligence of the decedent, EVERETT BYRAM, in that, at the time and place set forth in the Complaint, EVERETT BYRAM failed to exercise that degree of care and caution which an ordinarily prudent person would exercise under the same or similar circumstances.

TENTH AFFIRMATIVE DEFENSE:

10. As a separate and distinct affirmative defense, Defendant alleges that if Plaintiffs suffered or sustained any injury, damage, or detriment from the death of EVERETT BYRAM the same was proximately caused and contributed to by the negligence of Plaintiff, in that, at the time and place set forth in the Complaint, Plaintiffs failed to exercise that degree of care and caution which an ordinarily prudent person would exercise under the same or similar circumstances.

ELEVENTH AFFIRMATIVE DEFENSE:

11. As a separate and distinct affirmative defense, Defendant herewith places in issue the negligence, if any, of all persons who contributed in any degree to the happening of the incident alleged in the Complaint, and the degree that such negligence contributed to the damages and/or the injuries sustained, if any, as a result of said incident.

TWELFTH AFFIRMATIVE DEFENSE:

12. As a separate and distinct affirmative defense, Defendant herewith place in issue the negligence, if any, of all persons which contributed in any degree

1 to the damages and/or injuries alleged in the Complaint, and the degree that such
 2 negligence contributed to the damages and/or injuries allegedly sustained.

3 **THIRTEENTH AFFIRMATIVE DEFENSE:**

4 13. As a separate and distinct affirmative defense, Defendant alleges that
 5 Plaintiffs' alleged damages, if any, contained in the Complaint, were caused by
 6 persons and/or entities other than these answering Defendant who failed to exercise
 7 ordinary care, caution or prudence and were negligent in their dealing with
 8 Plaintiffs, and that at all times, said persons or entities were acting without consent,
 9 authorization, knowledge and/or ratification of this answering Defendant.
 10 Accordingly, any recovery against this answering Defendant by Plaintiffs, if any,
 11 must be precluded and/or reduced in a proportionate amount to the fault on the part
 12 of such other persons and/or entities.

13 **FOURTEENTH AFFIRMATIVE DEFENSE:**

14 14. As a separate and distinct affirmative defense, Defendant alleges that at
 15 or about the time, date and place alleged in the Complaint, Plaintiffs and other
 16 persons or parties failed to exercise ordinary care, and such failure was a
 17 contributing cause of the incident and/or injuries allegedly sustained in said
 18 incident; and the trier of fact is requested to determine the existence of such
 19 negligence and the degree that such negligence contributed to the incident and/or
 20 injuries.

21 **FIFTEENTH AFFIRMATIVE DEFENSE:**

22 15. As a separate and distinct affirmative defense, Defendant alleges that
 23 Plaintiffs did not exercise ordinary care, caution, prudence, and good faith in
 24 connection with the transactions and events that are alleged in the Complaint;
 25 Plaintiffs' lack of care, caution, prudence, and good faith was independent and
 26 unrelated to the actions or omissions, if any, of Defendant. In addition, Plaintiffs
 27 directed, ordered, approved and/or ratified the alleged wrongful acts or omissions, if
 28 any, set forth in the Complaint. Therefore, Plaintiffs are barred from recovery

1 against Defendant, or, alternatively, Plaintiffs' recovery, if any, should be
 2 proportionately reduced.

3 **SIXTEENTH AFFIRMATIVE DEFENSE:**

4 16. As a separate and distinct affirmative defense, Defendant alleges that
 5 Plaintiffs' alleged damages, if any, contained in the Complaint, were caused by
 6 persons and/or entities other than these answering Defendant who failed to exercise
 7 ordinary care, caution or prudence and were negligent in their dealing with
 8 Plaintiffs, and that at all times, said persons or entities were acting without consent,
 9 authorization, knowledge and/or ratification of these answering Defendant.
 10 Accordingly, any recovery against this answering Defendant by Plaintiffs, if any,
 11 must be precluded and/or reduced in a proportionate amount to the fault on the part
 12 of such other persons and/or entities.

13 **SEVENTEENTH AFFIRMATIVE DEFENSE:**

14 17. As a separate and distinct affirmative defense, Defendant alleges that
 15 that at the time of the filing of Plaintiffs' Complaint, Plaintiffs knew or should have
 16 known the true names and capacity of these Defendant, but, instead of naming these
 17 Defendants, Plaintiff have sued and served this Defendant as a DOE defendant by
 18 amending Plaintiffs' Complaint after the expiration of the statute of limitations as
 19 prescribed in Code of Civil Procedure Section 335, et seq., and contrary to the
 20 provisions of Code of Civil Procedure Section 474. Therefore, Plaintiffs' Complaint
 21 against this Defendant is barred by the statute of limitations.

22 **EIGHTEENTH AFFIRMATIVE DEFENSE:**

23 18. As a separate and distinct affirmative defense, Defendant alleges that
 24 its acts or omissions were discretionary, requiring personal deliberation, decision
 25 and judgment which were done honestly, reasonably and in good faith, and by virtue
 26 of which they are immune from liability.

27 ///

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NINETEENTH AFFIRMATIVE DEFENSE:

19. As a separate and distinct affirmative defense, Defendant alleges that the Complaint fails to state facts sufficient to constitute a cause of action.

TWENTIETH AFFIRMATIVE DEFENSE:

20. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' Complaint, and each claim contained therein, is barred pursuant to the doctrine of unclean hands.

TWENTIETH-FIRST AFFIRMATIVE DEFENSE:

21. As a separate and distinct affirmative defense, answering Defendant alleges that Plaintiffs lack standing to pursue any or all of the claims alleged in their Complaint.

TWENTY-SECOND AFFIRMATIVE DEFENSE:

22. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' Complaint, and each claim contained therein, is barred pursuant to the equitable doctrine of waiver.

TWENTY-THIRD AFFIRMATIVE DEFENSE:

23. As a separate and distinct affirmative defense, Defendant alleges that Plaintiffs' Third Amended Complaint, and each claim contained therein, is barred pursuant to the equitable doctrine of laches.

TWENTY-FOURTH AFFIRMATIVE DEFENSE:

24. As a separate and distinct affirmative defense, answering Defendant alleges that it is not liable in that the injuries and damages, if any, were the result of the exercise of the discretion vested in public officers and employees.

TWENTY-FIFTH AFFIRMATIVE DEFENSE:

25. As a separate and distinct affirmative defense, answering Defendant is shielded from liability for civil damages insofar as the conduct in this case did not violate any statutory or constitutional right of which a reasonable person would have known.

TWENTY-SIXTH AFFIRMATIVE DEFENSE:

26. As a separate and distinct affirmative defense, Plaintiffs' claims are barred because the alleged violation of civil rights did not occur pursuant to a governmental policy, custom, practice, or procedure.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE:

27. As a separate and distinct affirmative defense, Plaintiffs' action is barred by the failure of Plaintiffs to join, in a timely fashion, indispensable and/or necessary parties to this action.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE:

28. As a separate and distinct affirmative defense, answering Defendant alleges it is not liable pursuant to California Penal Code §§ 835a, 836, 836.5(b), and 847(b), in that any physical force or contact utilized was reasonable to effect a lawful arrest, or to prevent or overcome resistance.

TWENTY-NINTH AFFIRMATIVE DEFENSE:

29. As a separate and distinct affirmative defense, answering Defendant alleges the force used was caused and necessitated by the actions of Plaintiffs, and were reasonable and necessary for self-defense.

THIRTIETH AFFIRMATIVE DEFENSE:

30. As a separate and distinct affirmative defense, answering Defendant alleges that Plaintiffs' Complaint fails to state sufficient facts to entitle Plaintiffs to claims of punitive or exemplary damages from Defendant as a matter of law.

THIRTY-FIST AFFIRMATIVE DEFENSE:

31. As a separate and distinct affirmative defense, answering Defendant asserts that it is not liable for damages imposed primarily for the sake of example and by way of punishing the Defendant.

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THIRTY-SECOND AFFIRMATIVE DEFENSE:

32. As a separate and distinct affirmative defense, answering Defendant alleges that it cannot be liable as any and all force used was objectively reasonable under the circumstances.

THIRTY-THIRD AFFIRMATIVE DEFENSE:

33. As a separate and distinct affirmative defense, answering Defendant alleges that all Defendants sued in their official capacities are immune from the imposition of punitive damages.

THIRTY-FOURTH AFFIRMATIVE DEFENSE:

34. As a separate and distinct affirmative defense, answering Defendant alleges answering Defendant is not liable by operation of California Government Code §§ 815.2(b) and 820.4 for the execution or enforcement of the law by public officers exercising due care.

THIRTY-FIFTH AFFIRMATIVE DEFENSE:

35. As a separate and distinct affirmative defense, answering Defendant alleges answering Defendant is not liable by operation of California Government Code § 820.6 for injury caused by acts done in good faith, without malice, and under the apparent authority of an enactment that is unconstitutional, invalid, or inapplicable

THIRTY-SIXTH AFFIRMATIVE DEFENSE:

36. Answering Defendant alleges that in the event that they prevail at trial, or by way of dispositive motion, they will be entitled to recovery of reasonable attorneys' fees and costs under California Code of Civil Procedure § 1038 and Title 42 U.S.C. § 1988.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE:

37. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' Complaint fails to state facts sufficient to constitute a claim upon which relief can be granted

THIRTY-EIGHTH AFFIRMATIVE DEFENSE:

38. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs failed to fully comply with the Government Tort Claims Act.

THIRTY-NINTH AFFIRMATIVE DEFENSE:

39. As a separate and distinct affirmative defense, answering Defendant alleges that Plaintiffs' Complaint and each claim contained therein, is barred on the ground that the Defendant was not the cause in fact or substantial cause of any alleged damage, injury, or loss to plaintiffs, if any.

FORTIETH AFFIRMATIVE DEFENSE:

40. As a separate and distinct affirmative defense, Defendant is protected from liability under the doctrine of qualified immunity.

FORTY-FIRST AFFIRMATIVE DEFENSE:

41. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' claims are barred by the failure of Plaintiffs to commence the action within the time required by California Government Code §§ 910, et. seq., 911.2, 911.4, 945.4, 945.6, 950.2, and 950.6.

FORTY-SECOND AFFIRMATIVE DEFENSE:

42. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs are estopped by their own acts or omissions from recovery against answering Defendant for the claims asserted in the Complaint.

FORTY-THIRD AFFIRMATIVE DEFENSE:

43. As a separate and distinct affirmative defense, answering Defendant alleges any injury to Plaintiffs was due to and caused by the negligence and omissions of Plaintiffs to care for themselves, which carelessness and negligence and omissions were the proximate cause of the damage, if any, to Plaintiffs.

FORTY-FOURTH AFFIRMATIVE DEFENSE:

44. As a separate and distinct affirmative defense, to the extent Plaintiffs suffered any detriment, such detriment was caused or contributed to by Plaintiffs'

negligence, and damages, if any, should be reduced in direct proportion to their fault.

FORTY-FIFTH AFFIRMATIVE DEFENSE:

45. As a separate and distinct affirmative defense, answering Defendant alleges the conduct, if any, which is the subject of Plaintiffs' Complaint, was absolutely and/or conditionally legally privileged, and/or justified. Further, all actions by answering Defendant were in good faith and reasonable.

FORTY-SIXTH AFFIRMATIVE DEFENSE:

46. Defendant preserves and asserts any and all immunity rights under the California Government Code, including, but not limited to, California Government Code §§ 815.2, 818, 818.8, 820, 821.6, 821.8, 822.2, 844.6, 845, 845.2, 845.6, 850.8, 855, 856.2, and 856.4; and California Penal Code §§ 835, 835a, 836.5 and 847(b).

FORTY-SEVENTH AFFIRMATIVE DEFENSE:

47. As a separate and distinct affirmative defense, answering Defendant alleges on or about the time, date, and place alleged in Plaintiffs' Complaint, the conduct of Plaintiffs and/or third persons or entity was of such nature as to constitute an independent, intervening, and superseding cause, which was the sole proximate cause of the injuries and damages allegedly suffered by Plaintiffs

FORTY-EIGHTH AFFIRMATIVE DEFENSE:

48. As a separate and distinct affirmative defense, answering Defendant alleges that all claims set forth in Plaintiffs' Complaint are barred because Plaintiffs failed to take reasonable steps to mitigate their damages.

FORTY-NINTH AFFIRMATIVE DEFENSE:

49. As a separate and distinct affirmative defense, the actions of this answering Defendant in all respects were reasonable, proper, and legal

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FIFTIETH AFFIRMATIVE DEFENSE:

50. As a separate and distinct affirmative defense, answering Defendant contends that Plaintiffs' damages, if any, should be in direct proportion to the fault of this answering Defendant, if any, as provided by California Civil Code §§ 1431 to 1431.5.

FIFTY-FIRST AFFIRMATIVE DEFENSE:

51. As a separate and distinct affirmative defense, answering Defendant alleges the force used was caused and necessitated by the actions of Plaintiffs, and was reasonable and necessary for the defense of others.

FIFTY-SECOND AFFIRMATIVE DEFENSE:

52. As a separate and distinct affirmative defense, answering Defendant is protected from liability under the doctrine of absolute immunity.

FIFTY-THIRD AFFIRMATIVE DEFENSE:

53. As a separate and distinct affirmative defense, answering Defendant alleges that it is not liable per the doctrine of Assumption of Risk.

FIFTY-FOURTH AFFIRMATIVE DEFENSE:

54. As a separate and distinct affirmative defense, answering Defendant alleges the conduct alleged in Plaintiffs' Complaint did not violate an interest cognizable under 42 U.S.C. § 1983.

FIFTY-FIFTH AFFIRMATIVE DEFENSE:

55. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' claims are barred by the doctrine of release.

FIFTY-SIXTH AFFIRMATIVE DEFENSE:

56. As a separate and distinct affirmative defense, answering Defendant alleges Plaintiffs' claims are barred because answering Defendant holds sovereign immunity under the Eleventh Amendment of the United States Constitution.

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FIFTY-SEVENTH AFFIRMATIVE DEFENSE:

57. As a separate and distinct affirmative defense, answering Defendant alleges the Complaint fails to state sufficient facts to entitle Plaintiffs to claims of punitive damages from answering Defendants as a matter of law.

FIFTY-EIGHTH AFFIRMATIVE DEFENSE:

58. As a separate and distinct affirmative defense, answering Defendant alleges it is not liable for any injury, whether such injury arises out of an act or omission of the public entity or a public person or any other person pursuant to California Government Code § 815.

FIFTY-NINTH AFFIRMATIVE DEFENSE:

59. As a separate and distinct affirmative defense, answering Defendant alleges that on or before the date of the subject incident, Plaintiffs knew or reasonably should have known the hazards or dangers involved and, as a result, voluntarily assumed the risks in and about the matters alleged in the Complaint.

SIXTIETH AFFIRMATIVE DEFENSE:

60. As a separate and distinct affirmative defense, answering Defendant alleges answering Defendant is not liable for the failure to discharge any mandatory duty in that they exercised reasonable diligence in the discharge of all duties as provided by California Government Code § 815.6.

SIXTY-FIRST AFFIRMATIVE DEFENSE:

61. As a separate and distinct affirmative defense, answering Defendant alleges answering Defendant is not liable pursuant to statute by operation of California Government Code §§ 818.2 and 821 for the adoption or failure to adopt or enforce any law.

SIXTY-SECOND AFFIRMATIVE DEFENSE:

62. As a separate and distinct affirmative defense, answering Defendant alleges answering Defendant is not liable by operation of California Government

1 Code §§ 815.2(b) and 820.4 for the execution or enforcement of the law by public
2 officers exercising due care.

3 **SIXTY-THIRD AFFIRMATIVE DEFENSE:**

4 63. As a separate and distinct affirmative defense, answering Defendant
5 alleges answering Defendant is not liable by operation of California Government
6 Code §§ 815.2(b) and 820.8, in that the injuries and damages, if any, were caused by
7 the acts or omissions of other persons, and not answering Defendants.

8 **SIXTY-FOURTH AFFIRMATIVE DEFENSE:**

9 64. As a separate and distinct affirmative defense, answering Defendant
10 alleges the Plaintiffs' claims are barred by the failure of Plaintiffs to exhaust all
11 administrative remedies including, but not limited to, all remedies pursuant to 42
12 U.S.C. §1977.

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ADDITIONAL AFFIRMATIVE DEFENSE

Answering Defendant is informed and believes, and thereon alleges, that it has insufficient knowledge or information on which to form a belief as to whether additional any unstated affirmative defenses are available. Defendant reserves the right to assert additional affirmative defenses in the event discovery reveals that so doing would be appropriate.

WHEREFORE, Defendant prays that:

- A. Plaintiff take nothing by reason of their Complaint;
- B. Plaintiff Complaint be dismissed with prejudice;
- C. Defendant recovers their costs of suit; and
- D. Defendant be awarded such further relief as the Court deems just and proper.

DATED: December 6, 2023

HURRELL CANTRALL LLP

By: /s/ Nicole G. Ortega

THOMAS C. HURRELL

JORDAN STERN

NICOLE G. ORTEGA

Attorneys for Defendant, COUNTY OF
LOS ANGELES

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DEFENDANT DEMANDS A TRIAL BY JURY

Defendant COUNTY OF LOS ANGELES hereby respectfully demands a trial by jury in the above-entitled action. This demand is made to all claims, matters, and issues to which defendant may legally be entitled to demand a jury.

DATED: December 6, 2023

HURRELL CANTRALL LLP

By: /s/ Nicole G. Ortega

THOMAS C. HURRELL

JORDAN STERN

NICOLE G. ORTEGA

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LOS ANGELES

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